

Order to Show Cause RE: Failure to Appear and Failure to File the Seventh Account

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| Age: 45 | CHARLES R. BARRETT and MARGARET E. BARRETT , parents were appointed as Limited Co-Conservators of the Person and Estate on 1/6/1988. Co-Conservator's Sixth Account covering the period from 01/01/08 – 12/31/13 was settled on 06/10/14. Minute Order from hearing on 06/10/14 set a status hearing for 02/05/15 regarding filing of the Seventh Account. Minute Order from 02/05/15 states: The Court issues an Order to Show Cause to Sheryl Noel, Charles Barrett and Margaret Barrett as to why sanctions should not be imposed for failure to appear and failure to file the accounting. Each party is ordered to be personally present in court on 03/12/15. Status Report filed 03/04/15 states: on 06/12/14, Judge Oliver signed the Order settling the Sixth Account. The 06/12/14 Order vacated the status hearing set on 02/05/15 (which was reflected on the Minute Order from the 06/10/14 hearing on the Sixth Account) and reset the status hearing for 01/03/19 for filing of the seventh account. Due to the 02/05/15 hearing being reset, Co-Conservators did not appear. Co-Conservators respectfully request that the Order to Show Cause be vacated and that sanctions not be assessed. | NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Attorney has been notified |
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| | | Reviewed by: JF Reviewed on: 03/09/15 Updates: 3/11/15 Recommendation: File 1 - Barrett |

Third Report and Account of Trustee; Petition for its Settlement and Allowance of Attorneys Fees

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| DOD: 8-24-12 | | See petition for details. | NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> A Second Report of Status has been filed and set for hearing on 4-20-15. |
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| | | Reviewed on: 3-10-15 | |
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| | | Recommendation: | |
| | | File 4 - Teixeria | |

Atty Herold, Kim M. (for Petitioners Ronald Dicken, Patricia Dicken and Karen Steele, Co-Trustees)

First Report and Account of Trustee; Petition for Its Settlement and Allowance of Trustee and Attorneys Fees

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| | | RONALD DICKEN, PATRICIA DICKEN, and KAREN STEELE , private professional fiduciaries and Co-Trustees, are Petitioners. | NEEDS/PROBLEMS/COMMENTS: 1. Declaration in Support of Request for Attorneys Compensation filed 1/20/2015 requests reimbursement of \$435.00 for the filing fee for the instant First Report and Account; however, filing fee of \$200.00 was paid on 1/23/2015 rather than \$435.00 . Proposed order has been interlineated to reflect the correct reimbursement amount. 2. Paragraph 3 of the Petition requests the Court ratify and approve payment of Trustee fees to the Petitioners in the amount of \$6,791.25 , while Exhibit C containing the Trustees' Trust Time Statements states \$6,918.75 has been paid for Trustee fees during this account period. Need clarification. 3. Petition does not set forth the gains and/or losses from the Stifel Investment account which based on Schedule J, Property on Hand contains total investments of \$111,240.72 of Trust assets. ~Please see additional page~ |
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| Cont. from | | Account period: 11/14/2013 – 9/30/2014 ~Please see Petition for details~ | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | Trustee - \$6,918.75[?] (paid) (for 55.35 hours @ \$125.00 per hour; includes travel from Visalia to Fresno to meet with Beneficiary and Choua Yang, brother;) | |
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| ✓ | Notice of Hrg | Attorney - \$1,505.00 (for 4.30 hours @ \$350.00 per hour attorney rate) | |
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| | Sp.Ntc. | Costs - [\$200.00] (filing fee) | |
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| | Letters | Petitioner prays for an Order: | |
| | Duties/Supp | 1. Approving, allowing and settling the First Report and Account of the Trustee; | |
| | Objections | 2. Ratifying and approving the compensation paid to Trustees; | |
| | Video Receipt | 3. Authorizing Trustees to pay the Attorney fees and reimbursement of costs; and | |
| | CI Report | 4. Authorizing payment to the Trustee of periodic fees on a monthly basis pursuant to its current fee structure of \$125.00 per hour and to deduct it and other costs of administration from the funds in its hands. | |
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| | | | Reviewed by: LEG |
| | | | Reviewed on: 3/10/15 |
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| | | | File 5 - Yang |

NEEDS/PROBLEMS/COMMENTS, continued:

4. *Schedule J, Property on Hand*, does not but should list the asset distribution to the Beneficiary indicated on *Schedule I, Distributions*, consisting of a computer, monitor and printer with a purchase value of **\$903.29**. Distributions to the Beneficiary for tangible personal property shall be included as property on hand in the accounting schedule describing the assets of the special needs trust.
5. *Schedule C, Disbursements* consists of entries for accounting fees (**\$495.00**), two bond premiums (**\$1,432.00**), and Trustees fees for 5/1/2013 to 9/30/2014 (**\$6,918.75**) showing that the disbursements of **\$8,447.37** were made solely for administration of the Trust, with little disbursed to attempt to meet the special needs of the Beneficiary, **FONG YANG**, other than the **\$903.29** for the computer. *Petition* does not but should describe any efforts by the Trustees and the Court-approved member of the Trustee Advisory Committee, consisting of **CHOUA YANG**, the Beneficiary's English-speaking brother, to identify, understand and meet the special needs of **FONG YANG**. [Please see excerpts from the *Trust Time Statements of Trustees Perine and Dicken attached as Exhibit C*].

The following issues are raised for the future reference of the attorney; accounting was reviewed as is and amended accounting and documents are not being requested:

- Paragraph 1 of the *Petition* refers to *Exhibit A* containing a copy of the executed special needs trust instrument; the executed (and irrevocable) **FONG YANG SPECIAL NEEDS TRUST** attached as *Exhibit A* to the *First Report and Account* is not but should be the same special needs trust document entitled **FONG YANG SPECIAL NEEDS TRUST** that was incorporated into the *Order Approving Creation of Special Needs Trust* containing the Court's signature and dated on 9/18/2013. (The version signed by the Court on 9/18/2013 should have been the version that was subsequently executed by the Trustees on 11/14/2013; minor discrepancies have been noted between the executed version and the Court-approved version, though the entirety of the documents have not been compared.)
- Bank account statements submitted by Petitioner are copies attached to the accounting schedules as *Exhibit D*, rather than original bank account statements pursuant to Probate Code § 2620(c)(2); further, the statements were not filed in a separate affidavit in accordance with Probate Code § 2620(c)(7).
- Pursuant to Probate Code § 2621 and 1461(b)(2), notice of hearing and proof of service of notice with a copy of the petition showing at least 15 day's service by mail to all of the relatives of the Beneficiary must be filed with the Court (including non-English speaking relatives.)

Note: If *Petition* is granted, Court will set a status hearing as follows:

- **Monday, November 30, 2015 at 9:00 a.m. in Dept. 303** for filing of the Second Account;

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Thursday, March 12, 2015

Petition to Terminate Probate Proceedings and for Discharge of Personal Representative

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| DOD: 11/2/12 | | TODD S. OSBORNE , Administrator, is petitioner. Petitioner states the probate was initiated in order to determine if the Decedent, who was an oral surgeon, had liability insurance which could be a source of payment of a malpractice claim against the decedent for negligent services. Petitioner sent letters of inquiry regarding a liability policy on the decedent to several insurance companies. None of the companies had a policy for Dr. Drake. A deposition of the person most knowledgeable relating to his employment has held on 6/30/14 and no useful information was obtained. No extended family could be located for the decedent. There are no know assets belonging to the estate that require any sort of probate administration. All fees associated with the administration have been waived. Petitioner prays for an order: 1. That the administration of the estate be closed. 2. Discharging the personal representative. | NEEDS/PROBLEMS/COMMENTS: | |
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| | | | File 6 - Drake | |

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| DOD: 02/21/2014 | | CHRISTOPHER B. MILLER and BRIAN K. MILLER , sons/named alternate executors without bond are petitioners. MARGARET A. MILLER , was appointed Executor, with Full IAEA without bond on 08/05/2014. Letters issued on 08/06/2014. She continued to administer the Estate until 01/18/2015, when she died and the administration was left incomplete. Full IAEA – o.k. Will dated: 11/22/2005 Residence: Fresno Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$40,805.00 Real property - \$135,000.00 Total - \$175,805.00 Probate Referee: Rick Smith | NEEDS/PROBLEMS/COMMENTS: Note: Page 7B is the Petition for Final Distribution on Waiver of Accounting of Jerry Lynn Miller's estate. Petition was filed by Margaret A. Miller, now deceased. Christopher B. Miller and Brian K. Miller, per declaration filed 02/19/2015, joined the petition for Final Distribution and Waiver of Accounting. |
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| Reviewed by: LV |
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| Recommendation: |
| File 7A - Miller |

Petition for Final Distribution on Waiver of Accounting

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| DOD: 02/21/2014 | | <p>MARGARET A. MILLER, former Executor, is petitioner.</p> <p>Accounting is waved.</p> <p>Executor – Waives</p> <p>Attorney - \$5,552.23 (Statutory)</p> <p>Proposed Distribution, is to:</p> <p>Margaret A. Miller, Successor Trustee of the Jerry & Peggy Miller Living Trust – Cash \$3,850.00; Real property in Shasta Lake, Ca.; ½ interest in Mainstay Convertible shares; ½ interest in Mainstay Unconstrained Shares; ½ interest in Mainstay Global High, ½ interest in Mainstay High Yield shares and ½ interest in Mainstay Total Return Bond Fund Investor CLS shares.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition requests the decedent's estate pass to Margaret A. Miller, Successor Trustee of the Jerry & Peggy Miller Living Trust, however the Order states the estate is to pass to Christopher B. Miller and Brian K. Miller, as Successor Co-Trustees of the Bypass Trust created under the Jerry & Peggy Miller Living Trust dated 06/02/1992. Need amendment to the Petition which sets forth the new distribution. Need Declaration pursuant to Local Rule 7.12.5 regarding distribution to Intervivos Trust from the new co-trustees. |
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| | | <p>Reviewed by: LV</p> <p>Reviewed on: 03/10/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7B - Miller</p> | |

7B

1) First and Final Report of Administrator on Waiver of Account; and 2) Petition for Confirmation and Approval of Acts of the Administrator; and 3) for Allowance of Compensation to Attorneys for Ordinary Services; and 4) for Final Distribution

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| DOD: 3-13-06 | | <p>STEPHEN CAVOLA, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner is the sole heir and waives account.</p> <p>I&A: \$275,000.00 POH: \$15,260.07 (cash)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$4,150.00</p> <p>Costs: \$125.50 (Probate Referee)</p> <p>Distribution pursuant to intestate succession:</p> <p>Stephen Cavola: 100%</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Pursuant to Local Rule 7.6.1.A, Examiner has modified the proposed order to reflect distribution of \$10,984.57 to Mr. Cavola.</p> | |
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| <p>Reviewed by: skc</p> <p>Reviewed on: 3-10-15</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 8 - Cavola</p> | | | | |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

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| | | | MARLON OMAR AYALA ORELLANA , proposed ward, is petitioner and requests RAUL AYALA ALVARENGA be appointed as guardian of the person. | NEEDS/PROBLEMS/ COMMENTS: Continued from 1/29/15. Minute order (Judge Houry Sanderson) states Counsel states that his request is that the original order signed on 10/15/14 include the new federal language, and that the matter be continued to be heard by Judge Kazanjian. The Court orders that any supplemental points and authorities be filed at least one week prior to 3/12/15. The proposed ward attained the age 18 on 10/14/14. Probate Code §1600(a) states a guardianship of the person and estate terminates with the ward attains the age of 18. Therefore it appears that the Court no longer has jurisdiction and therefore cannot grant the guardianship. |
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| Cont. from 121114, 012915 | | | Please see petition for details | |
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Petition to Establish Special Needs Trust

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| | | KANDIS BRAGG, sister, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Continued from 2/5/2015. Minute Order states the Court advises Mr. Roberts that bond or a blocked account would be required as well as compliance with the California Rules of Court. Note: Attorney's Status Declaration filed 2/25/2015 states: |
| | | Petitioner requests establishment of the GARY CHARLES ALLEN SPECIAL NEEDS TRUST pursuant to 42 USC § 1382(c)(a)(3), and Probate Code §§ 3604 and 3611. | |
| Cont. from 020515 | | ~Please see Petition for details~ | <ul style="list-style-type: none"> The amount accumulated by CALPERS on behalf of the SNT Beneficiary since the death of Donna Allen on 3/12/2014 is ~\$5,749.04, based on \$522.64 per month for 11 months; Monthly payments of this amount will continue to accrue until the establishment of the SNT, which is necessary for the preservation of the Beneficiary's public benefits; the annual income would amount to \$6,271.68; In consideration of the Court's indication that a bond would be required of the trustee; that the trustee would be required to regularly account to the Court for the use of funds; and the cost to the trust of bond and accountings, Petitioner is in the process of investigating other, less expensive options which might protect the Beneficiary's benefits without Court involvement; Declarant requests the Court continue this matter for 60 days or until the week of 5/11/2015 to allow time to reach a decision of whether to proceed with or withdraw this petition. |
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| | | Reviewed by: LEG | |
| | | Reviewed on: 3/9/15 | |
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| | | File 10 – Allen | |

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| Jerry Rendino DOD: 12-4-02 | | See petition for details. | NEEDS/PROBLEMS/COMMENTS: Minute Order 2-5-15: Counsel requests no bond and states client will waive power of sale. Additionally, counsel represents that the only trust asset is the condominium. The Court needs a verified declaration addressing the asset issue, and will consider the request regarding bond at the next hearing. Note: A declaration was filed 2-10-15. The following remains noted for reference: 1. Pursuant to Probate Code §15602(a)(3), bond is required if an individual who is not named in the trust instrument is appointed as trustee by the Court. If bond is required, the Court may require clarification regarding the total value of the trust, including all trust assets |
| Thomas Rendino DOD: 3-9-12 | | | |
| Gregg Rendino DOD: 9-23-14 | | | |
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| | | File 11 – Rendino | |

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

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| DOD: 12/25/14 | | <p>DAVID F. MEIER, named executor without bond, is petitioner.</p> <p>DAVID F. MEIER was appointed Special Administrator for the purpose of selling the real property of the estate. Order required the proceeds of the sale to be held in an interest bearing account at the escrow company until the hearing on the general appointment. Letters of Special Administration expire on 3/12/15.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 5/27/11</p> <p>Residence: Clovis Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Real property- \$175,000.00</p> <p>Probate Referee: RICK SMITH</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, August 12, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, May 11, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p> <p>Note: An Ex Parte Petition was filed on 3/5/15 requesting the proceeds of the sale be held in the attorney's client trust account until the hearing on 3/12/15. – No action has been taken on said request.</p> | | |
| Cont. from | | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | S/P |
| ✓ | Verified | | | | |
| <input type="checkbox"/> | Inventory | | | | |
| <input type="checkbox"/> | PTC | | | | |
| <input type="checkbox"/> | Not.Cred. | | | | |
| <input type="checkbox"/> | Notice of Hrg | | | | |
| ✓ | Aff.Mail | | | | W/ |
| ✓ | Aff.Pub. | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | |
| <input type="checkbox"/> | Pers.Serv. | | | | |
| <input type="checkbox"/> | Conf. Screen | | | | |
| ✓ | Letters | | | | |
| ✓ | Duties/Supp | | | | |
| <input type="checkbox"/> | Objections | | | | |
| <input type="checkbox"/> | Video Receipt | | | | |
| <input type="checkbox"/> | CI Report | | | | |
| <input type="checkbox"/> | 9202 | | | | |
| ✓ | Order | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | |
| <input type="checkbox"/> | Status Rpt | | | | |
| <input type="checkbox"/> | UCCJEA | | | | |
| <input type="checkbox"/> | Citation | | | | |
| <input type="checkbox"/> | FTB Notice | | | | |
| | | | <p>Reviewed by: KT</p> <p>Reviewed on: 3/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Warrick</p> | | |

Petition to Determine Succession to Real Property (Prob. C. 13151)

| | | | |
|---------------------|----------------------|--|--|
| DOD: 8/20/13 | | <p>THOMAS CROSSLAND, CHANTELE CROSSLAND, ELAINE HALSEY and BOBBIE SAUERBREI are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated 8/5/13 devises the real property and automobile to Thomas Crossland and Chantelle Crossland. It passes the horse to Elaine Halsey and Decedent's cat to Bobbie Sauerbrei.</p> <p>I & A - \$72,800.00</p> <p>Petitioners request court determination that decedent's real property and automobile pass to Thomas Crossland and Chantelle Crossland (½ each), her horse pass to Elaine Halsey and her cat pass to Bobbie Sauerbrei.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> |
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| Cont. from | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail W/ | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | <p>Reviewed by: KT</p> <p>Reviewed on: 3/9/15</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 13 - Crossland</p> | |

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|--------------|------------------|--|---|
| DOD: 1/12/15 | | JAMES E. PRICE , named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 10/29/2009 Residence: Virginia (leaving property in Fresno County) Publication: Fresno Business Journal Estimated value of the estate: Personal property - \$600,000.00 Annual income - \$ 3,000.00 Total - \$603,000.00 Probate Referee: Rick Smith | NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, August 12, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, May 11, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |
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| | | | |
| Cont. from | | | |
| | Aff.Sub.Wit. S/P | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | | |
| ✓ | Aff.Mail W/ | | |
| ✓ | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |

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|---------------------------|
| Reviewed by: KT |
| Reviewed on: 3/10/15 |
| Updates: |
| Recommendation: SUBMITTED |
| File 14 - Deckert |

Garcia, Maria Magdalena (Pro Per – Paternal Grandmother – Petitioner)

Attashian, Zeppy (for Sarah Kataoka – Mother – Objector)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

| | | |
|---|---|--|
| | See petition and objection for details. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> On 2-26-15, the Court granted the temporary guardianship without prejudice to preserve the status quo and ordered visitation for the mother. The Court also ordered the Court Investigator to visit the parties to determine where the child has been living and make a recommendation to the Court regarding the temporary orders.</p> |
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| | | |
| Cont. from 022615 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input type="checkbox"/> Aff.Mail | | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input checked="" type="checkbox"/> Pers.Serv. | | |
| <input checked="" type="checkbox"/> Conf. Screen | | |
| <input checked="" type="checkbox"/> Letters | | |
| <input checked="" type="checkbox"/> Duties/Supp | | |
| <input checked="" type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |

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|-------------------------------------|--|---|--|-----|
| DOD: 12-13-13 | | <p>TOSHI SAKAI, Spouse and named Executor without bond, is Petitioner and requests appointment as Special Administrator with General Powers and Full IAEA without bond.</p> <p>Full IAEA – need publication for full IAEA</p> <p>Will dated: 5-9-11</p> <p>Residence: Fresno</p> <p>Publication: need publication for general powers and full IAEA</p> <p>Estimated value of estate: Real property: \$160,000.00</p> <p>Probate Referee: Rick Smith</p> <p>Petitioner states: Petitioner requests appointment as Special Administrator on the grounds that a petition for probate and letters testamentary is to be filed herein; however, the sole asset in the decedent's probate estate is a parcel of real property which is in the process of being sold and is in escrow. The process was begun when Petitioner mistakenly believed that all property was owned by a corporation which is an asset of the revocable trust belonging to the decedent and Petitioner. In the course of escrow, it was determined that a portion of the real property was not owned by the corporation and title remained in the name of Decedent and Petitioner as husband and wife. In order for the sale to complete, a special administrator must be immediately appointed so that the special administrator can validly execute documents related to the sale transaction so that escrow can close. All beneficiaries consent to such appointment and are anxious for escrow to close, and closing cannot wait for the appointment of a personal representative under normal time frames. Petitioner plans to file for appointment as personal representative when the urgency of the sale transaction is completed. In the interest of preserving and maximizing the decedent's estate during the pendency of escrow, Petitioner requests the Court appoint her special administrator with the powers specified in §§ 8544(a)-(b) until the Court appoints an executor.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Order filed 2-24-15 set this hearing on the ex parte petition and prescribed five (5) days' notice. The Order was mailed to Attorney Erlach on 2-27-15.</p> | |
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| <input type="checkbox"/> | Aff.Sub.Wit. | | | S/P |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input type="checkbox"/> | Notice of Petition to Administer Estate | | | X |
| <input type="checkbox"/> | Aff.Mail | | | X |
| <input type="checkbox"/> | Aff.Pub. | | | X |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | |
| <input type="checkbox"/> | Duties/Supp | | | X |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |

Note: Pursuant to Order filed 2-24-15, hearing was set for the following reasons:

1. Petitioner requests general powers. For general powers, notice pursuant to §§ 8545, 8003 is required.
2. Petitioner requests bond be waived. No waivers of bond are attached to the ex parte petition pursuant to §8543.
3. Petitioner did not provide a copy of the escrow documents for consideration in conjunction with the ex parte petition.

Declaration of Mara M. Erlach filed 3-10-15 addresses the above issues as follows: Copies of Waivers of Bond at Exhibit A. Declaration states the ex parte petition was filed for the purpose of effectuating a sale of real property. Decedent and Petitioner had considered all of the real property to be owned by their corporation, Calamerica Properties, Inc.; however, it was discovered that a portion was owned by the decedent and his wife as community property. This is the only asset of the estate, as the remainder is in the family trust, and power of sale is necessary for the special administrator in order to execute sale documents and conclude the transaction. A copy of the purchase and sale agreement is attached at Exhibit B.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Petition to Administer Estate.
2. Need proof of service of Notice of Petition to Administer Estate at least five days prior to the hearing pursuant to Order 2-24-15 on:
 - Toshi Sakai (Petitioner)
 - Carrie Sakai (Daughter)
 - Leslie Nesley (Daughter)
 - Wells Fargo Bank (Named Alternate Executor)
3. It appears that although Petitioner is seeking only to perform a particular act (sale of the real property), which requires approval pursuant to §8541(c), Petitioner is requesting general powers and full authority under IAEA.

Need clarification: Does Petitioner intend to perform other acts as special administrator that require general powers and full IAEA? If so, need authority for without proper notice and publication pursuant to Probate Code §§ 8541, 8003.

Note: If the Special Administrator is authorized to perform this particular act only, need Order with Attachment 3d(2) delineating the special powers, and Letters pursuant to Probate Code §8542(c).

4. Need Duties and Liabilities of Personal Representative and Confidential Supplement (DE-147 and DE-147S).
5. A Petition for Probate has not yet been filed and Petitioner does not provide any proposed time frame or expiration date for the special administration. Need clarification.

Note: Pursuant to Probate Code §8546(c), accounting is required of the special administrator. If the same person acts as both special administrator and general personal representative, the account may be combined. Otherwise, the Court will set status hearing for an account of the special administrator.

| | | | |
|----------------------|--|---|---|
| Age: 70 | | MARIA DE LOS ANGELES RODRIGUEZ, Conservator, filed a Report of Sale and Petition for Order Confirming Sale of Real Property on 12/17/14. The Petition was granted on 01/29/15 and the net sale proceeds were to be deposited into a blocked account. Order to Deposit Money Into Blocked Account was filed 01/30/15. Minute Order from hearing on 01/29/15 set this hearing re filing of a Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account. | NEEDS/PROBLEMS/COMMENTS: 1. Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account. |
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| Cont. from | | | |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | Reviewed by: JF | |
| | | Reviewed on: 03/09/15 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 17 - Arevalo | |

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|---------------------------|---------------|---|---|
| See petition for details. | | | NEEDS/PROBLEMS/ COMMENTS: |
| | | | <u>Court Investigator advised rights 2-18-15.</u> |
| | | | <u>Voting rights affected – need minute order</u> |
| | Aff.Sub.Wit. | | <p>1. Petitioner requests appointment without bond; however, pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207, bond including cost of recovery is required for every conservator of the estate. If required, need estimated value of the proposed conservatee's community property interest in the assets.</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Thursday, July 16, 2015 for the filing of the Inventory and Appraisal Thursday, May 12, 2016 for the filing of the First Account <p>If the proper items are on file prior to the status hearing dates pursuant to Local Rules, the status hearings may be taken off calendar. Otherwise, written status report is required.</p> |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | W | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | W | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| ✓ | Video Receipt | | |
| ✓ | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| ✓ | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 3-10-15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 18 - Rangel |

Pro Per Velasquez, Guadalupe (Pro Per Petitioner, mother)

Petition for Visitation

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|-------------------------------------|----------------------|---|---|
| | | GUADALUPE VELASQUEZ , mother, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Note: <i>Petition for Termination of Guardianship</i> filed 10/2/2014 by Petitioner Guadalupe Velasquez was heard on 1/26/2015 and was denied and dismissed per <i>Minute Order</i> dated 1/26/2015 [Judge Petrucelli]. |
| | | TRINIDAD VELASQUEZ , maternal grandmother, was appointed Guardian on 4/7/2014. | |
| Cont. from 120814 | | Father: CARLOS FLOREZ | 1. Need Notice of Hearing and proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Visitation</i> , or a <i>Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> • Trinidad Velasquez, Guardian, maternal grandmother; • Carlos Florez, father; • paternal grandparents; • Manuel Velasquez, maternal grandfather; • Luis Enriquez Alvarez, sibling (if age 12 or over.) |
| <input type="checkbox"/> | Aff.Sub.Wit. | Paternal grandfather: Unknown | |
| <input checked="" type="checkbox"/> | Verified | Paternal grandmother: Unknown | |
| <input type="checkbox"/> | Inventory | Maternal grandfather: Manuel Velasquez | |
| <input type="checkbox"/> | PTC | Petitioner requests the Court order visitation with the minor Geovanni because she is in compliance with all the Court's requests due to her stable, safe living environment, along with full time employment. Petitioner requests visitation rights from Friday at 3:00 p.m. through Sunday at 6:00 p.m. | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | Aff.Mail | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | Declaration filed on 1/28/2015 by GUADALUPE VELASQUEZ (Petitioner) states she would like to declare that on 1/26/2015 [the hearing date of the <i>Petition for Termination</i>] she was present at Court but due to the expiration of time on the meter she was not in the Courtroom during her hearing. | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | Clearances | | |
| <input type="checkbox"/> | Order | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: LEG |
| | | | Reviewed on: 3/10/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 19 - Velasquez |

Petition for Termination of Guardianship

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|------------|---------------|--|---|
| | | EVONISHA SMITH, mother, is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | ADRIANA BREWER, non-relative, was appointed guardian on 9/11/14. | |
| | | Please see petition for details. | <ol style="list-style-type: none"> 1. Proof of service on guardian, Adriana Brewer does not state the date and time of the service. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Derick King (father) b. Renee King (paternal grandmother) c. Triania Smith (maternal grandmother) |
| Cont. from | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| | Aff.Mail | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 3/10/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 20 - Smith |

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|-------------------|---------------|---------------------------------|--|-----|
| Age: 8 | | Please see Petition for details | NEEDS/PROBLEMS/COMMENTS: Minute Order of 01/29/2015: Janet Winters, mother, represents that the minor was adopted by her only, and there is no father of record. Ms. Parham represents that Rachel Swanson is in the process of moving out of the home. The Court orders the Court Investigator to visit the home and confirm that Ms. Swanson has indeed moved out. Examiner notes handed in open court; the UCCJEA is to be completed and filed forthwith. | |
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| Cont. from 012915 | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | | | n/a |
| | Aff.Mail | | | n/a |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | n/a |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| ✓ | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | Reviewed by: LV | |
| | | | Reviewed on: 03/10/2015 | |
| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 21 – Winters | |

| | | | | |
|---|---------------|---|---------------------------|--|
| | | | See petition for details. | NEEDS/PROBLEMS/ COMMENTS: <u>Court Investigator advised rights 2-25-15.</u> <u>Voting rights affected – need minute order</u> <u>SEE ADDITIONAL PAGE</u> |
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| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | X | | |
| | Aff.Mail | X | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | X | | |
| ✓ | Conf. Screen | | | |
| | Letters | X | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| ✓ | Video Receipt | | | |
| ✓ | CI Report | | | |
| | 9202 | | | |
| | Order | X | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | X | | |
| | FTB Notice | | | |
| | | | Reviewed by: skc | |
| | | | Reviewed on: 3-10-15 | |
| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 22 - Martinez | |

NEEDS/PROBLEMS/COMMENTS:

1. Need Citation and proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing on Proposed Conservatee Joseph R. Martinez. Probate Code §1824.
2. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on all relatives:
 - Carmen Lopez (Martinez) (Wife)
 - Maragret Martinez (Daughter)
 - Lorain Martinez (Daughter)
 - Adela Ruacho (Daughter)
 - Rosemarie Gallegos (Sister)
 - Victoria West (Sister)
 - Raymond Martinez (Brother)
 - Frank Ruben Martinez (Brother)
 - Frank Carrisoza (Half-Brother)
3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on the jurisdictional Office of Veterans Administration pursuant to Probate Code §1822(d).
4. Although the capacity declaration supports dementia powers, the petition did not request dementia powers – there was no Attachment Requesting Special Orders Regarding Dementia GC-313 attached to the petition. Amended petition may be required for notice to the proposed Conservatee and relatives that dementia powers are also being sought.
5. The caption of the Capacity Declaration indicates that it was filed by the Fresno County Public Guardian; however, it does not appear that he Public Guardian is involved in this matter. Need clarification.
6. Petitioner requests appointment without bond; however, pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207, bond is required for all conservators of the estate, and must include an additional cost of recovery. Therefore, need clarification regarding Petitioner's estimated value of the conservatorship estate for bond purposes. Petitioner states the proposed Conservatee is indigent, but indicates income. Is the additional \$500 annual or monthly income? If monthly, bond should be at least \$22,044.00.
7. Need Order and Letters.

23A Alberto Torres & Michael Torres (GUARD/P)

Case No. 15CEPR00165

Atty Torres, Christian (pro per Temporary Guardian)

Atty Luna, Ruben (pro per Petitioner/maternal grandfather)

Atty Luna, Arcelia (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

| | | | |
|-------------------|----------------------|--|--|
| | | <u>TEMPORARY EXPIRES 3/12/15</u> | NEEDS/PROBLEMS/COMMENTS: |
| | | (Competing Petitioner, Christian Torres, is the temporary guardian) | |
| | | <u>GENERAL HEARING 5/5/15</u> | <u>Note:</u> General hearing for competing petition filed by Christian Torres is set for 4/21/15. |
| Cont. from | | | |
| | Aff.Sub.Wit. | RUBEN LUNA and ARCELIA LUNA , maternal grandparents, are petitioners. | 1. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on: a. Martin Torres (father) |
| ✓ | Verified | | |
| | Inventory | CHRISTIAN TORRES , brother, was appointed Temporary guardian on 3/4/15. | |
| | PTC | | |
| | Not.Cred. | Please see petition for details. | |
| ✓ | Notice of Hrg | | |
| | Aff.Mail | Objections of Martin Torres (father) filed on 2/26/15. | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| ✓ | Conf. Screen | | Note: General petition does not include the child information attachment for both minors. This attachment is required and must be filed prior to the general hearing. |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | Reviewed by: KT |
| | Citation | | Reviewed on: 3/10/15 |
| | FTB Notice | | Updates: |
| | | | Recommendation: |
| | | | File 23A - Torres |

23A

Petition for Appointment of Temporary Guardian of the Person

| | | | | |
|-------------------------|---------------|--|--|---|
| Age: 9 | | <p align="center"><u>Please see Petition for details</u></p> | NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Greg Naron (Father) • Willow Shannon (Mother) | |
| | | | | |
| | | | | |
| | | | | |
| Cont. from | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | | | x |
| | Aff.Mail | | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | x |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| Reviewed by: LV | | | | |
| Reviewed on: 03/10/2015 | | | | |
| Updates: | | | | |
| Recommendation: | | | | |
| File 24 - Shannon | | | | |

Atty Wishon, A. Emory, of Motschieder, Michaelides, Wishon, Brewer & Ryan (for Petitioner Merilee Everett)

Atty Chielpegian, Mark E.; Cobb, Lee S. W.; of Chielpegian Law Offices (for Contestants Gay Mitchell and Elva Van Buskirk)

Status Hearing Re: Bond

| | | |
|----------------|--|---|
| DOD: 10/9/2014 | | NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Proof of Bond filed 3/5/2015. |
| | | |
| | | |
| | | |
| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LEG |
| | | Reviewed on: 3/9/15 |
| | | Updates: |
| | | Recommendation: |
| | | File 25 - McCoon |